

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GANIS CREDIT CORPORATION,
Plaintiff,

IN ADMIRALTY

No. C 03-5711 SBA

v.

**AMENDED ORDER FOR SALE OF
VESSEL**

M/Y MY MELODY, Official No.
1074363, her engines, masts, anchors,
cables, chains, rigging, tackle, apparel,
equipment, furniture, and all the necessities
therewith appertaining, etc., *in rem*; et al.

Defendants.

The Court has granted Plaintiff Ganis Credit Corporation's (GANIS") Ex Parte Application for Entry of Default, Default Judgment, and Order for Sale of the defendant vessel M/Y MY MELODY, Official No. 1074363, her engines, masts, anchors, cables, chains, rigging, tackle, apparel, equipment, furniture, and all the necessities therewith appertaining, etc., *in rem* (the "VESSEL".)

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The VESSEL is hereby condemned to be sold by the United States Marshal for the Northern District of California on May 31, 2005 at the hour of 10:00 a.m. or as soon thereafter as the VESSEL may be sold, at 450 Golden Gate Avenue, San Francisco, California, 94102, in accordance with the Marshal's rules and regulations governing such sales.

2. Upon application by GANIS the Clerk of the Court shall issue a Writ of Venditioni Exponas for the Sale of the VESSEL.

3. A Notice of Sale, substantially in the form of the attached Exhibit "A," shall be published by the United States Marshal in *The Recorder* and in the *Oakland Tribune* in accordance with Admiralty Local Rule 9-2(a) for at least six (6) days prior to the date of sale of the VESSEL.

4. GANIS may, at its option, effect such other advertisement as can be secured at a reasonable cost, and the expense of such advertisement is hereby approved as an administration expense,

1 to be added to the Judgment, and recoverable from the proceeds of sale of the VESSEL.

2 5. The United States Marshal shall conduct the sale of the VESSEL in such a manner that all
3 bidders are identified and qualified to the satisfaction of the Marshal, prior to the conclusion of the sale.
4 Following the opening bid, if any, the Marshal shall only accept succeeding bids in minimum increments of
5 \$1,000.00.

6 6. The VESSEL shall be sold on an "AS IS, WHERE IS" basis at a public auction to the
7 highest bidder, free and clear of all liens and encumbrances.

8 7. Except as otherwise provided herein, the successful bidder will be required to pay to the
9 United States Marshal in accordance with Admiralty Local Rule 9-2(b) as follows:

10 (a) at least ten percent (10%) of the price by cash, certified check, money order, or cashier's
11 check payable to the "United States Marshal" and drawn on a federal or state chartered bank in good
12 standing, prior to the close of the auction; and

13 (b) the remaining up to ninety percent (90%) of the price bid by cash, certified check,
14 money order, or bank cashier's check payable to the "United States Marshal" drawn on a federal or state
15 chartered bank in good standing, prior to the confirmation of the sale by the court, or within three (3) days
16 of the dismissal of any opposition which may have been filed, exclusive of Saturdays, Sundays and legal
17 holidays.

18 8. Notwithstanding the foregoing, GANIS, or its designee, shall be permitted to attend the
19 sale and bid in the full amount, or any part, of the Judgment in this action, without need for GANIS to make
20 payment of any cash or check.

21 9. The proceeds shall be deposited in the registry of the Court, after deduction of the
22 Marshal's commissions and costs, and will be held there pending further order of the Court.

23 10. If no written objection is filed with the Court challenging the sale of the VESSEL within
24 three (3) days after such sale (exclusive of Saturdays, Sundays and legal holidays), the sale shall stand
25 confirmed pursuant to Admiralty Local Rule 9-2 (c), without the necessity of any affirmative action by the
26 Court, and the Clerk upon request shall so state to the Marshal in writing, provided that the buyer has
27

1 complied fully with the terms of purchase.

2 12. Prospective bidders, upon written application to the United States Marshal, Federal
3 Building, 450 Golden Gate Ave., 20th Fl., San Francisco, CA 94102, telephone (415) 436-7677, may
4 make arrangements to board the VESSEL on the day prior to the sale, or on such other date as is
5 convenient to the Marshal, for the purpose of inspection prior to sale, provided that it shall be at the sole
6 risk and expense of such person making the inspection.

7 IT IS SO ORDERED.

8 Dated: Nunc Pro Tunc
9 to May 18, 2005

/s/ Sandra Brown Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge

**United States Department of Justice
United States Marshals Service
Northern District of California**

NOTICE OF SALE

Case No. **C03-5711 SBA**

Brief Description of

**Property to be Sold: VESSEL "MY MELODY" Said to be a 1999 47-foot Lein HWA
OFFICIAL NO. 1074363 (McKinna) Motor Yacht
AND HER ENGINES AND APPURTENANCES**

PUBLIC NOTICE IS HEREBY GIVEN that the above property, or so much as will be sufficient to satisfy said Writ with interest and all costs, will be sold at public auction to the highest bidder for cash or money order, cashier's check or certified check in lawful money of the United States on:

Date of Sale: JUNE 21, 2005

Time of Sale: 1:00 P.M.

**Place of Sale: LOBBY OF FEDERAL BUILDING AT :
450 Golden Gate Ave., San Francisco, CA 94102**

Under a **Warrant of Arrest In Rem** issued on Dec.18, 2003, by the United States District Court for the Northern District of California in the above case, complaint has been filed in this Court in the above entitled action against the defendant vessel "MY MELODY", upon on admiralty and maritime claim in the amount of \$255,420.60. I have arrested upon all the right, title, claim and interest of the debtor in the property described above.

The property will be available for preview on **June 20, 2005** at the **Svendsen's Boat Works at: 1851 Clement Ave., Alameda, CA 94501 between 10 a.m. and 2 p.m.**

The opening bid will start at \$5,000.00 with minimum succeeding increments of \$1,000.00.

"Prospective bidders should register and refer to 28 U.S.C. Section 3203 B, inclusive of the Federal Code of Civil Procedure for provisions governing the terms, conditions and effect of the sale and the liability of defaulting bidders." Winning Bidder will pay 10% in cash or money order, cashier's check or certified check at the end of the sale. Balance will have to be paid in full by 4 p.m. on June 24, 2005.

Attorney for creditor:
RUSSELL & ASSOCIATES
P.O. BOX 11466

FEDERICO L. ROCHA
United States Marshal

NEWPORT BEACH, CA 92658
PHONE NO. 949-854-6000

Phone **CONTACT PERSON :**
NALTIE (510) 522-2886
Dated: JUNE 13, 2005

By: Cheryl Koel, SDUSM
UNITED STATES MARSHALS SERVICE

Exhibit A